

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DISTRICT

VAUGHAN PERRET
PLAINTIFFS
CHARLES LEARY
TROUT POINT LODGE, LTD, A Nova
Limited Company

PLAINTIFFS

V.

CIVIL ACTION NO. 14-241

DOUGLAS K. HANDSHOE

DEFENDANT

MOTION TO REMAND

COME NOW the Plaintiffs, Trout Point Lodge, Limited, Charles Leary, and Vaughn Perret by and through the undersigned counsel, files this their Motion to Remand, based on lack of subject matter jurisdiction, lack of personal jurisdiction, and *stare decisis* would show unto the Court the following facts to-wit:

1. Plaintiff Trout Point Lodge is a Nova Scotia limited company. Plaintiff Charles Leary, and Vaughn Perret are United States citizens resident in Nova Scotia, Canada. Pursuant to the laws of Nova Scotia the Defendant, Douglas K. Handshoe, was found liable, for copyright infringement under the Canada Copyright Act, to the Plaintiffs.

2. The Defendant, Douglas Handshoe, filed his Notice of Removal in this Court on June 11, 2014.

3. The Plaintiffs in this cause of action filed their Memorandum in Opposition to Motion to Remove with this Court on July 8th, 2014, a copy of which is attached hereto as Exhibit "A" and incorporated herein as fully as if copied in words and figures.

3. The Plaintiffs respectfully request that this matter be remanded for lack of subject matter jurisdiction, lack of personal jurisdiction and *stare decisis* and upon a hearing deny any and all claims of the Defendant, Douglas K. Handshoe and assess Mr. Handshoe all of the Plaintiffs attorney fees for his frivolous attempt to remove the enrollment of the foreign judgment in the Circuit Court of Hancock County, Mississippi.

WHEREFORE, PREMISES CONSIDERED the Plaintiffs, Vaughn Perret, Charles Leary, and Trout Point Lodge, LTD, pray that the Court receive and file this their Motion to Remand and, upon a hearing hereon, remand this matter for lack of subject matter jurisdiction, lack of personal jurisdiction and *stare decisis* and deny any and all claims of the Defendant, Douglas K. Handshoe and assess Mr. Handshoe all of the Plaintiffs' attorney fees for his frivolous attempt to remove the enrollment of the foreign judgment in the Circuit Court of Hancock County, Mississippi.

RESPECTFULLY SUBMITTED this the 11th day of **July, 2014**.

VAUGHAN PERRET, CHARLES LEARY
TROUT POINT LODGE, LTD,
A Nova Scotia Limited Company

By: /s/ M. Judith Barnett
M. JUDITH BARNETT

M. Judith Barnett (MSB #99766)
M. Judith Barnett, P.A.
1911 Dunbarton Dr.
Jackson, MS 39216
Telephone: (601) 981-4450
Facsimile: (601) 981-4717
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I, M. Judith Barnett, hereby certify that I have this day caused to be served, via United States Mail, postage prepaid and properly addressed, a true and correct copy of the foregoing document to the following listed persons:

Douglas Handshoe
214 Corinth Drive
Bay St. Louis, MS 39520

SO CERTIFIED, this the **11th** day of **July**, **2014**.

/s/ M. Judith Barnett
M. Judith Barnett